

103D CONGRESS
1ST SESSION

S. 560

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 3), 1993

Mr. NUNN (for himself, Mr. BUMPERS, Mr. DANFORTH, Mr. ROTH, Mr. PRESSLER, Mr. HEFLIN, Mr. JOHNSTON, Mr. BOND, Mr. BREAU, Mr. COHEN, Mr. BOREN, Mr. COCHRAN, Mr. BRYAN, Mr. WALLOP, Mr. HOLLINGS, Mr. MACK, Mr. EXON, Mr. BURNS, Mr. SHELBY, Mr. LOTT, Mr. ROBB, Mr. COATS, Ms. MOSELEY-BRAUN, Mr. HATCH, Mr. DOLE, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Paperwork Reduction
5 Act of 1993”.

1 SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
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- Sec. 202. Coverage of all federally sponsored paperwork burdens.
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- Sec. 501. Prescribing Governmentwide standards for sharing and disseminating public information.
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- Sec. 601. Strengthening the statistical policy and coordination functions of the Director.
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Sec. 603. Agency implementation.
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TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 3520(a) of title 44, United States Code, is amended by striking out “\$5,500,000 for each of the fiscal years 1987, 1988, and 1989.” and inserting in lieu thereof “\$7,000,000 for fiscal year 1994, \$7,500,000 for fiscal year 1995, \$8,000,000 for fiscal year 1996, \$8,500,000 for fiscal year 1997, and \$9,000,000 for fiscal year 1998.”.

TITLE II—REDUCING THE BUR- DEN OF FEDERAL PAPER- WORK ON THE PUBLIC

SEC. 201. REEMPHASIZING THE NEED TO REDUCE THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC.

Section 3501 of title 44, United States Code, is amended to read as follows:

“§ 3501. Purposes

“The purposes of this chapter are to—

“(1) minimize the Federal paperwork burden for individuals, small businesses, educational and

1 nonprofit institutions, Federal contractors, State
2 and local governments, and other persons;

3 “(2) minimize the cost to the Federal Govern-
4 ment of collecting, maintaining, using, retaining,
5 sharing, and disseminating information;

6 “(3) maximize the usefulness of information
7 collected, maintained, used, retained and shared by
8 the Federal Government;

9 “(4) coordinate, integrate and, to the extent
10 practicable and appropriate, make uniform Federal
11 information policies and practices;

12 “(5) ensure that government information re-
13 sources management is conducted in an efficient and
14 cost effective manner to—

15 “(A) improve the quality of decisionmaking
16 and program management and administration;

17 “(B) improve the quality and timeliness of
18 services delivered to the public;

19 “(C) increase productivity;

20 “(D) reduce waste and fraud;

21 “(E) facilitate the sharing of information;

22 “(F) ensure the integrity, quality and util-
23 ity of the Federal statistical system; and

24 “(G) reduce burden upon the public;

1 “(6) ensure that the collection, maintenance,
2 use, retention, sharing, and disseminating of infor-
3 mation by or for the Federal Government is consist-
4 ent with applicable laws;

5 “(7) establish the responsibility and public ac-
6 countability of Federal agencies for implementing
7 the information collection review process, informa-
8 tion resources management, and related policies and
9 guidance established pursuant to this chapter;

10 “(8) ensure that automatic data processing,
11 telecommunications and other information tech-
12 nologies are acquired and used by the Federal Gov-
13 ernment in an effective and efficient manner that—

14 “(A) improves service delivery and pro-
15 gram management;

16 “(B) increases productivity;

17 “(C) improves the quality of decisionmak-
18 ing;

19 “(D) reduces waste and fraud;

20 “(E) maximizes the return on investment
21 from the application of Government information
22 and information technology resources over their
23 life cycle; and

24 “(F) wherever practicable and appropriate,
25 reduces the information processing burden for

1 the Federal Government and for persons who
2 provide information, keep records and otherwise
3 disclose information to and for the Federal
4 Government; and

5 “(9) strengthen the partnership between the
6 Federal Government with State and local govern-
7 ments by minimizing the burden and maximizing the
8 utility of information collected and shared.”.

9 **SEC. 202. COVERAGE OF ALL FEDERALLY SPONSORED PA-**
10 **PERWORK BURDENS.**

11 Section 3502 of title 44, United States Code, is
12 amended—

13 (1) by amending paragraph (3) to read as
14 follows:

15 “(3) the term ‘burden’ means the time, effort,
16 financial resources, and opportunity costs imposed
17 on persons to generate, capture, assemble, process,
18 maintain, and report information to or for a Federal
19 agency, including—

20 “(A) the resources expended for obtaining,
21 reviewing and understanding applicable instruc-
22 tions and requirements;

23 “(B) developing a way to comply with the
24 applicable instructions and requirements;

1 “(C) adjusting the existing ways to comply
2 with any previously applicable instructions and
3 requirements;

4 “(D) searching existing data sources;

5 “(E) obtaining, compiling and maintaining
6 the necessary data;

7 “(F) implementing recordkeeping require-
8 ments;

9 “(G) completing and reviewing the collec-
10 tion of information;

11 “(H) retaining, sharing, notifying, report-
12 ing, transmitting, labeling, or otherwise disclos-
13 ing to third parties or the public the informa-
14 tion involved; and

15 “(I) carrying out any other information
16 transaction which occurs as a result of the
17 collection of information;”;

18 (2) in paragraph (4) by striking out “of facts
19 or opinions by” and inserting in lieu thereof
20 “(through maintenance, retention, notifying, report-
21 ing, labeling or disclosure to third parties or the
22 public) of facts or opinions by or for”; and

23 (3) in paragraph (17) by inserting “, including
24 the retention, reporting, notifying, or disclosure to

1 third parties or the public of such records” before
2 the period.

3 **SEC. 203. PAPERWORK REDUCTION GOALS.**

4 Section 3505 of title 44, United States Code, is
5 amended to read as follows:

6 **“§ 3505. Assignment of tasks and deadlines**

7 “In carrying out the functions under this chapter, the
8 Director shall—

9 “(1) set a Governmentwide goal, consistent with
10 improving agency management of the process for the
11 review of each collection of information established
12 under section 3506(e), to reduce by September 30,
13 1994, the burden of Federal collections of informa-
14 tion existing on September 30, 1993, by at least 5
15 percent;

16 “(2) for the fiscal year beginning on October 1,
17 1994, and the following 3 fiscal years, set a Govern-
18 mentwide goal, consistent with improving agency
19 management of the process for the review of each
20 collection of information established under section
21 3506(e), to reduce the burden of Federal collections
22 of information existing at the end of the immediately
23 preceding fiscal year by at least 5 percent;

1 “(3) in establishing the Governmentwide goal
2 pursuant to paragraph (2), establish a goal for each
3 agency that—

4 “(A) represents the maximum practicable
5 opportunity to reduce the paperwork burden
6 imposed upon the public by such agency’s col-
7 lections of information, after considering the
8 recommendations of the senior agency official
9 designated under section 3506(b)(1); and

10 “(B) permits the attainment of the Gov-
11 ernmentwide goal when such agency’s goal is
12 aggregated with the individual goals of all other
13 agencies included in the Governmentwide goal;
14 and

15 “(4) in each report issued under section 3514,
16 beginning with the report relating to fiscal year
17 1994, identify any agency initiatives to reduce the
18 burden of the Federal collections of information as-
19 sociated with—

20 “(A) businesses, especially small businesses
21 and those engaged in international competition;

22 “(B) State and local governments; and

23 “(C) educational institutions.”.

1 **TITLE III—ENHANCING FED-**
2 **ERAL AGENCY RESPONSIBIL-**
3 **ITY AND ACCOUNTABILITY**
4 **FOR REDUCING THE BURDEN**
5 **OF FEDERAL PAPERWORK**

6 **SEC. 301. DESIGNATING AN AGENCY OFFICIAL RESPON-**
7 **SIBLE AND PUBLICLY ACCOUNTABLE FOR**
8 **REDUCING THE BURDEN OF FEDERAL PA-**
9 **PERWORK.**

10 Section 3506 of title 44, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) by striking “Each agency” and insert-
14 ing in lieu thereof “The head of each agency”;
15 and

16 (B) by inserting “resources” after “its in-
17 formation”;

18 (2) in subsection (b)—

19 (A) by inserting “(1)” before “The head of
20 each agency”; and

21 (B) by adding at the end thereof the fol-
22 lowing new paragraphs:

23 “(2) The senior official designated under para-
24 graph (1) shall be the head of an office, established
25 by the head of the agency, responsible for assuring

1 agency compliance with and prompt, efficient, and
2 effective implementation of the information collection
3 review process, information resources management,
4 and related policies and guidance established pursu-
5 ant to this chapter.

6 “(3) Staff to such office shall be well qualified
7 through experience or training to carry out the in-
8 formation collection review process, information re-
9 sources management, and related policies and guid-
10 ance established under this chapter.”; and

11 (3) in subsection (c)—

12 (A) by striking out “and” after the semi-
13 colon at the end of paragraph (7);

14 (B) by striking out the period at the end
15 of paragraph (8) and inserting in lieu thereof
16 a semicolon; and

17 (C) by adding at the end thereof the fol-
18 lowing new paragraphs:

19 “(9) prepare estimates of burden that will re-
20 sult from proposed collections of information;

21 “(10) develop and maintain a strategic Infor-
22 mation Resources Management Plan, in accordance
23 with guidance from the Director, for the application
24 of information resources to support the agency’s

1 specified mission goals as articulated through its
2 strategic mission planning process;

3 “(11) establish oversight procedures, in accord-
4 ance with guidance provided by the Director, to im-
5 prove the life cycle management of the agency’s
6 major information systems; and

7 “(12) assess the agency’s efforts to have pro-
8 gram offices manage Government information re-
9 sources by using performance measures that exam-
10 ine such factors as quality and timeliness of service
11 delivery to the public, productivity of program ad-
12 ministration, ability to prevent or reduce fraud, and
13 the burden of Government’s information collection
14 practices on the public.”.

15 **SEC. 302. AGENCY RESPONSIBILITIES FOR CONTROLLING**
16 **AND REDUCING THE BURDEN OF FEDERAL**
17 **PAPERWORK.**

18 Section 3506 of title 44, United States Code (as
19 amended by section 301 of this Act) is further amended
20 by adding at the end thereof the following new sub-
21 sections:

22 “(e) The head of each agency, acting through the sen-
23 ior official designated under subsection (b)(1), shall estab-
24 lish an efficient, and effective process for the prompt re-
25 view of each information collection request before it is sub-

1 mitted to the Director for review and approval under this
2 chapter. At a minimum, this review process shall—

3 “(1) be sufficiently independent of program re-
4 sponsibilities to evaluate whether each information
5 collection request should be carried out;

6 “(2) be provided sufficient personnel and other
7 resources to carry out such review responsibility ef-
8 fectively; and

9 “(3) have authority (independent of agency pro-
10 gram officers) to approve, disapprove, and make
11 needed improvements in any agency collection of in-
12 formation.

13 “(f) Under the process established under subsection
14 (e), the senior official designated under subsection (b)(1)
15 shall certify (and provide a record supporting such certifi-
16 cation, including any pertinent public comments received
17 by the agency) to the Director that—

18 “(1) the collection of information and any appli-
19 cable instructions and requirements—

20 “(A) are necessary for the proper perform-
21 ance of the agency’s functions and are the least
22 burdensome necessary;

23 “(B) are not unnecessarily duplicative of
24 information otherwise reasonably accessible to
25 the agency;

1 “(C) have practical utility;

2 “(D) are written using plain, coherent and
3 unambiguous terminology;

4 “(E) are to be implemented in ways con-
5 sistent and compatible, to the maximum extent
6 practicable, with the existing reporting and rec-
7 ordkeeping practices of those who are to
8 respond;

9 “(F) are understandable to those who are
10 to respond;

11 “(G) display on the information collection
12 request, to the extent practicable, the agency
13 estimate of the burden for each response, cal-
14 culated in accordance with the procedures es-
15 tablished by the Director under section
16 3504(c)(5);

17 “(H) use information technology to reduce
18 burden and improve agency responsiveness to
19 the public;

20 “(I) use effective and efficient statistical
21 survey methodology appropriate to the need for
22 which the information is to be collected; and

23 “(J) explain the need and ultimate use of
24 the information to be collected, and the impor-
25 tance of an accurate and timely response; and

1 “(2) the agency has taken necessary steps to—

2 “(A) except as provided in section 3507 (g)
3 and (k), give 60-day notice to, and consult with
4 members of the public and interested agencies,
5 in order to—

6 “(i) enhance the clarity of the pro-
7 posed collection of information;

8 “(ii) solicit comment on the agency es-
9 timate of the burden for each response for
10 such collection of information; and

11 “(iii) minimize the burden of such col-
12 lection of information on those who are to
13 respond, including the appropriate use of
14 automated collection technics or other
15 forms of information technology;

16 “(B) evaluate the proposed collection of in-
17 formation and any applicable instructions and
18 requirements, by developing and conducting—

19 “(i) an assessment of need;

20 “(ii) a functional description of the in-
21 formation to be collected;

22 “(iii) a plan for the practical collec-
23 tion of information;

1 “(iv) a specific, objectively supported
2 estimation of burden, including each trans-
3 action involved; and

4 “(v) a test of the collection of infor-
5 mation through a pilot or prototype pro-
6 gram, if appropriate;

7 “(C) plan and allocate resources for the ef-
8 ficient and effective management and use of the
9 information to be solicited; and

10 “(D) reduce burdens on businesses (espe-
11 cially small businesses and those engaged in
12 international competition), State and local gov-
13 ernments, and educational institutions, through
14 consideration of such alternatives as—

15 “(i) establishing differing compliance
16 or reporting requirements or timetables in
17 recognition of the resources available to
18 those who are to respond;

19 “(ii) the clarification, consolidation, or
20 simplification of compliance and reporting
21 requirements; and

22 “(iii) an exemption from coverage of
23 the collection of information, or any part
24 thereof.”.

1 **TITLE IV—ENHANCING GOVERN-**
2 **MENT RESPONSIBILITY AND**
3 **ACCOUNTABILITY FOR RE-**
4 **DUCE THE BURDEN OF**
5 **FEDERAL PAPERWORK**

6 **SEC. 401. REEMPHASIZING THE RESPONSIBILITY OF THE**
7 **DIRECTOR TO CONTROL THE BURDEN OF**
8 **FEDERAL PAPERWORK.**

9 Section 3504(c) of title 44, United States Code, is
10 amended—

11 (1) in paragraph (3) by redesignating subpara-
12 graphs (B) and (C) as subparagraphs (C) and (D),
13 respectively, and inserting after subparagraph (A)
14 the following new subparagraph:

15 “(B) display, to the extent practicable, an
16 estimate of the burden for each response;”;

17 (2) by amending paragraphs (5) and (6) to
18 read as follows:

19 “(5) establishing procedures under which an
20 agency is to estimate the burden under this chapter
21 to comply with the proposed collection of informa-
22 tion;

23 “(6) coordinating with the Office of Federal
24 Procurement Policy to eliminate paperwork burdens
25 associated with procurement and acquisition;”;

1 (3) by striking out the period at the end of
2 paragraph (7) and inserting in lieu thereof a semi-
3 colon; and

4 (4) by adding at the end thereof the following
5 new paragraphs:

6 “(8) minimizing the Federal paperwork burden
7 imposed through Federal collection of information,
8 with particular emphasis on those individuals or en-
9 tities most adversely affected, including—

10 “(A) businesses, especially small businesses
11 and those engaged in international competition;

12 “(B) State and local governments; and

13 “(C) educational institutions; and

14 “(9) initiating and conducting, with selected
15 agencies and non-Federal entities on a voluntary
16 basis, pilot projects to test or demonstrate the fea-
17 sibility and benefit of changes or innovations in Fed-
18 eral policies, rules, regulations, and agency proce-
19 dures to improve information management practices
20 and related management activities (including author-
21 ity for the Director to waive the application of des-
22 ignated agency regulations or administrative direc-
23 tives after giving timely notice to the public and
24 Congress regarding the need for such waiver).”.

1 **SEC. 402. ENHANCING AGENCY RESPONSIBILITY TO OB-**
2 **TAIN PUBLIC REVIEW OF PROPOSED PAPER-**
3 **WORK BURDENS.**

4 Section 3507(a) of title 44, United States Code, is
5 amended—

6 (1) in paragraph (2)(B) by inserting “a sum-
7 mary of the request,” after “title for the information
8 collection request,”;

9 (2) by striking out “and” at the end of para-
10 graph (2); and

11 (3) by redesignating paragraph (3) as para-
12 graph (4) and inserting after paragraph (2) the
13 following:

14 “(3) the agency provides at least 30 days for
15 public comment to the agency and the Office of
16 Management and Budget after publication of the no-
17 tice in the Federal Register, except as provided
18 under section 3507 (g) and (k), and the agency head
19 and the Director consider comments received regard-
20 ing the proposed collection of information; and”.

21 **SEC. 403. EXPEDITING REVIEW AT THE OFFICE OF MAN-**
22 **AGEMENT AND BUDGET.**

23 Section 3507(b) of title 44, United States Code, is
24 amended—

25 (1) by striking out the first sentence and insert-
26 ing in lieu thereof “The Director shall within 30

1 days after publication of the notice under subsection
 2 (a)(3) that is applicable to a proposed information
 3 collection request not contained in a proposed rule,
 4 notify the agency involved of the decision to approve
 5 or disapprove the proposed information collection re-
 6 quest and shall make such decisions publicly avail-
 7 able. Any decision to disapprove an information col-
 8 lection request shall include an explanation of the
 9 reasons for such decision.”;

10 (2) by striking out “sixty” each place it appears
 11 and inserting “30” in each such place;

12 (3) by striking out “thirty” and inserting in
 13 lieu thereof “30”; and

14 (4) by striking out “one” and inserting in lieu
 15 thereof “1”.

16 **SEC. 404. IMPROVING PUBLIC AND AGENCY SCRUTINY OF**
 17 **PAPERWORK BURDENS PROPOSED FOR RE-**
 18 **NEWAL.**

19 (a) APPROVAL OF INFORMATION COLLECTION RE-
 20 QUEST.—Section 3507(d) of title 44, United States Code,
 21 is amended—

22 (1) by inserting “(1)” after “(d)”; and

23 (2) by adding at the end thereof the following:

24 “(2)(A) If the head of the agency, or the senior offi-
 25 cial designated under section 3506(b)(1), decides to seek

1 extension of the Director's approval granted for a cur-
2 rently approved information collection request, the agency
3 shall, through the notice prescribed in subsection
4 (a)(2)(B) and such other practicable steps as may be rea-
5 sonable, seek comment from the agencies, and the public
6 on the continued need for, and burden imposed by, the
7 collection of information.

8 “(B) The agency, after having made a reasonable ef-
9 fort to seek comment under subparagraph (A), but no
10 later than 60 days before the expiration date of the control
11 number assigned by the Director for the currently ap-
12 proved information collection request, shall—

13 “(i) evaluate the public comments received;

14 “(ii) conduct the review established under sec-
15 tion 3506(e); and

16 “(iii) provide to the Director the certification
17 required by section 3506(f), including the text of the
18 certification and any additional relevant information
19 regarding how the information collection request
20 comports with the principles and requirements of
21 this chapter.

22 “(C) Upon receipt of such certification, and prior to
23 the expiration of the control number for that information
24 collection request, the Director shall—

1 “(i) ensure that the agency has taken the ac-
2 tions specified under section 3506(f)(2);

3 “(ii) evaluate the public comments received by
4 the agency or by the Director;

5 “(iii) determine whether the agency certification
6 complies with the standards under section
7 3506(f)(1); and

8 “(iv) approve or disapprove the information col-
9 lection request under this chapter.

10 “(3) If a certification is not provided to the Director
11 prior to the beginning of the 60-day period before the expi-
12 ration of the control number as provided under paragraph
13 (2)(B), the agency shall submit the information collection
14 request for review and approval or disapproval under this
15 chapter.

16 “(4) An agency may not make a substantive or mate-
17 rial modification to an information collection request after
18 it has been approved by the Director, unless the modifica-
19 tion has been submitted to the Director for review and
20 approval or disapproval under this chapter.”.

21 (b) APPROVAL OF INFORMATION COLLECTION RE-
22 QUIREMENTS.—Section 3507 of title 44, United States
23 Code, is further amended by adding at the end thereof
24 the following new subsections:

1 “(i)(1) As soon as practicable, but no later than pub-
2 lication of a notice of proposed rulemaking in the Federal
3 Register, each agency shall forward to the Director a copy
4 of any proposed rule which contains a collection of infor-
5 mation requirement and upon request, information nec-
6 essary to make the determination required under this
7 chapter.

8 “(2) Within 60 days after the notice of proposed rule-
9 making is published in the Federal Register, the Director
10 may file public comments under the standards set forth
11 in section 3508 on the collection of information require-
12 ment contained in the proposed rule.

13 “(3) When a final rule is published in the Federal
14 Register, the agency shall explain how any collection of
15 information requirement contained in the final rule re-
16 sponds to the comments, if any, filed by the Director or
17 the public, or explain the reasons such comments were re-
18 jected.

19 “(4) The Director has no authority to disapprove any
20 collection of information requirement specifically con-
21 tained in an agency rule, if the Director has received no-
22 tice and failed to comment on the rule within 60 days after
23 the notice of proposed rulemaking.

1 “(5) No provision in this section shall be construed
2 to prevent the Director, at the discretion of such officer,
3 from—

4 “(A) disapproving any information collection re-
5 quest which was not specifically required by an
6 agency rule;

7 “(B) disapproving any collection of information
8 requirement contained in an agency rule, if the
9 agency failed to comply with the requirements of
10 paragraph (1) of this subsection;

11 “(C) disapproving any collection of information
12 requirement contained in a final agency rule, if the
13 Director finds within 60 days after the publication
14 of the final rule that such a collection of information
15 requirement cannot be approved under the standards
16 set forth in section 3508, after reviewing the agen-
17 cy’s response to the comments of the Director filed
18 under paragraph (2) of this subsection; or

19 “(D) disapproving any collection of information
20 requirement, if the Director determines that the
21 agency has substantially modified, in the final rule,
22 the collection of information requirement contained
23 in the proposed rule and the agency has not given
24 the Director the information required under para-
25 graph (1) with respect to the modified collection of

1 information requirement, at least 60 days before the
2 issuance of the final rule.

3 “(6) The Director shall make publicly available any
4 decision to disapprove a collection of information require-
5 ment contained in an agency rule, together with the rea-
6 sons for such decision.

7 “(7) The authority of the Director under this sub-
8 section is subject to subsection (c).

9 “(8) This subsection shall apply only when an agency
10 publishes a notice of proposed rulemaking and requests
11 public comments.

12 “(9) The decision of the Director to approve or not
13 to act upon a collection of information requirement con-
14 tained in an agency rule shall not be subject to judicial
15 review.

16 “(j)(1) If the head of the agency, or the senior official
17 designated under section 3506(b)(1), decides to seek ex-
18 tension of the Director’s approval granted for a currently
19 approved collection of information requirement, the agency
20 shall, through the notice prescribed in subsection
21 (a)(2)(B) and such other practicable steps as may be rea-
22 sonable, seek comment from the agencies, and the public
23 on the continued need for, and burden imposed by, the
24 collection of information requirement.

1 “(2) The agency, after having made a reasonable ef-
2 fort to seek comment under paragraph (1), but no later
3 than 60 days before the expiration date of the control
4 number assigned by the Director for the currently ap-
5 proved collection of information requirement, shall—

6 “(A) evaluate the public comments received;

7 “(B) conduct the review established under sec-
8 tion 3506(e); and

9 “(C) provide to the Director the certification re-
10 quired by section 3506(f), including the text of the
11 certification and any additional relevant information
12 regarding how the collection of information require-
13 ment comports with the principles and requirements
14 of this chapter.

15 “(3) Upon receipt of such certification, and prior to
16 the expiration date of the control number for that collec-
17 tion of information requirement, the Director shall—

18 “(A) ensure that the agency has taken the ac-
19 tions specified in section 3506(f)(2);

20 “(B) evaluate the public comments received by
21 the agency or by the Director;

22 “(C) determine whether the agency certification
23 complies with the standards under section
24 3506(f)(1); and

1 “(D) approve or disapprove the collection of in-
2 formation requirement under this chapter.

3 “(4) If under the provisions of paragraph (3), the Di-
4 rector disapproves a collection of information requirement,
5 or recommends or instructs the agency to make a sub-
6 stantive or material change to a collection of information
7 requirement, the Director shall—

8 “(A) publish an explanation thereof in the Fed-
9 eral Register; and

10 “(B) instruct the agency to undertake a rule-
11 making within a reasonable time limited to consider-
12 ation of changes to the collection of information re-
13 quirement and thereafter to submit the collection of
14 information requirement for approval or disapproval
15 under this chapter.

16 “(5) Nothing in this subsection affects the review
17 process for a collection of information requirement con-
18 tained in a proposed rule, including a proposed change to
19 an existing collection of information requirement, under
20 subsection (i) with respect to such collection of informa-
21 tion requirement.

22 “(6) The Director may not approve a collection of
23 information requirement for a period in excess of 3
24 years.”.

1 **SEC. 405. PROTECTION FOR WHISTLEBLOWERS OF UNAU-**
2 **THORIZED PAPERWORK BURDEN.**

3 Section 3507(h) of title 44, United States Code, is
4 amended in the second sentence by inserting before the
5 period “, and any communication relating to a collection
6 of information, the disclosure of which could lead to retal-
7 iation or discrimination against the communicator”.

8 **SEC. 406. ENHANCING PUBLIC PARTICIPATION.**

9 Section 3517 of title 44, United States Code, is
10 amended—

11 (1) by inserting “(a)” before “In development”;
12 and

13 (2) by adding at the end thereof:

14 “(b)(1) Under procedures established by the Direc-
15 tor, a person may request the Director to review any col-
16 lection of information conducted by or for an agency to
17 determine, if—

18 “(A) the collection of information is subject to
19 the requirements of this chapter;

20 “(B) the collection of information has been ap-
21 proved in conformity with this chapter; and

22 “(C) the person that is to respond to the collec-
23 tion of information is entitled to the public protec-
24 tions afforded by this chapter.

1 “(2) Any review requested under paragraph (1), un-
2 less the request is determined frivolous or does not on its
3 face state a valid basis for such review, shall—

4 “(A) be completed by the Director within 60
5 days after receiving the request, unless such period
6 is extended by the Director to a specified date and
7 the person making the request is given notice of
8 such extension;

9 “(B)(i) be coordinated with the agency respon-
10 sible for the collection of information to which the
11 request relates; and

12 “(ii) be coordinated with the Administrator for
13 Federal Procurement Policy, if the request relates to
14 a collection of information applicable to an actual or
15 prospective Federal contractor or subcontractor at
16 any tier; and

17 “(C) result in a written determination by the
18 Director, that shall be—

19 “(i) furnished to the person making the re-
20 quest; and

21 “(ii) made available to the public upon re-
22 quest (and listed and summarized in the annual
23 report required under section 3514), unless con-
24 fidentiality is requested by the person making
25 the request.”.

1 **SEC. 407. EXPEDITING REVIEW OF AN AGENCY INFORMA-**
2 **TION COLLECTION REQUEST WITH A RE-**
3 **DUCED BURDEN.**

4 Section 3507 of title 44, United States Code (as
5 amended by section 404(b) of this Act) is further amended
6 by adding at the end thereof the following new subsection:

7 “(k) Upon request by the head of an agency, the Di-
8 rector shall approve a proposed change to an existing in-
9 formation collection request (unless such proposed change
10 is subject to subsection (i)) within 30 days after the Direc-
11 tor receives the proposed change. The information collec-
12 tion request shall thereafter remain in effect at least for
13 the remainder of the period for which it was previously
14 approved by the Director, if—

15 “(1) the information collection request has a
16 current control number; and

17 “(2) the Director determines that the revi-
18 sion—

19 “(A) reduces the burden resulting from the
20 information collection request; and

21 “(B) does not substantially change the in-
22 formation collection request.”.

1 **TITLE V—ENHANCING AGENCY**
2 **RESPONSIBILITY FOR SHAR-**
3 **ING AND DISSEMINATING**
4 **PUBLIC INFORMATION**

5 **SEC. 501. PRESCRIBING GOVERNMENTWIDE STANDARDS**
6 **FOR SHARING AND DISSEMINATING PUBLIC**
7 **INFORMATION.**

8 Section 3504(h) of title 44, United States Code, is
9 amended to read as follows:

10 “(h) The functions of the Director related to agency
11 dissemination and sharing of public information shall in-
12 clude—

13 “(1) developing policies and practices for agen-
14 cy dissemination and sharing of public information
15 consistent with the agency responsibilities under sec-
16 tion 3506(g); and

17 “(2) developing policy guidelines that instruct
18 Federal agencies on ways to fulfill agency respon-
19 sibilities to disseminate and share information that,
20 to the extent appropriate and practicable—

21 “(A) make information dissemination prod-
22 ucts available on timely, equitable and cost
23 effective terms;

24 “(B) encourage a diversity of public and
25 private information dissemination products;

1 “(C) avoid establishing, or permitting oth-
2 ers to establish, exclusive, restricted, or other
3 distribution arrangements that interfere with
4 the availability of information dissemination
5 products on a timely and equitable basis; and

6 “(D) avoid establishing restrictions or reg-
7 ulations, including the charging of fees or royal-
8 ties, on the reuse, resale, or redissemination of
9 Federal information dissemination products by
10 the public; and

11 “(E) set user charges for information dis-
12 semination products at a level sufficient to re-
13 cover the cost of dissemination, except—

14 “(i) where otherwise required by stat-
15 ute;

16 “(ii) where the information is col-
17 lected, processed, and disseminated for the
18 benefit of a specific identifiable group be-
19 yond the benefit to the general public; or

20 “(iii) where user charges are estab-
21 lished at less than cost of dissemination
22 because of a determination that higher
23 charges would interfere with the proper
24 performance of the agency’s functions.”.

1 **SEC. 502. AGENCY RESPONSIBILITIES FOR SHARING AND**
2 **DISSEMINATING PUBLIC INFORMATION.**

3 Section 3506 of title 44, United States Code (as
4 amended by sections 301 and 302 of this Act) is further
5 amended by adding at the end thereof the following new
6 subsection:

7 “(g) The head of each agency shall, to the extent ap-
8 propriate and practicable, and in conformance with the
9 policy guidelines established under section 3504(h), estab-
10 lish and maintain a management system for the dissemi-
11 nation and sharing of information that—

12 “(1) ensures that the public has timely, equi-
13 table and cost effective access to the agency’s infor-
14 mation dissemination products;

15 “(2) disseminates and shares information in a
16 manner that achieves the best balance between maxi-
17 mizing the usefulness of the information and mini-
18 mizing the cost to the Government and the public;

19 “(3) takes advantage of all appropriate chan-
20 nels, Federal and non-Federal, including State and
21 local governments, libraries and private sector enti-
22 ties, in discharging agency responsibilities for the
23 dissemination and sharing of information;

24 “(4) considers whether an information dissemi-
25 nation product available from other Federal or non-
26 Federal sources is equivalent to an agency informa-

1 tion dissemination product and reasonably achieves
2 the objectives of the agency;

3 “(5) establishes and maintains inventories of all
4 agency information dissemination products in con-
5 formance with the requirements of section 3511;

6 “(6) establishes and maintains communications
7 with members of the public and with State and local
8 governments so that the agency shares information
9 and otherwise creates information dissemination
10 products that meet their respective needs; and

11 “(7) provides adequate notice when initiating,
12 substantially modifying, or terminating significant
13 information dissemination products.”.

14 **SEC. 503. AGENCY INFORMATION INVENTORY/LOCATOR**
15 **SYSTEM.**

16 (a) IN GENERAL.—Section 3511 of title 44, United
17 States Code, is amended to read as follows:

18 **“§ 3511. Inventory systems of information dissemina-**
19 **tion products**

20 “(a) Each agency having significant information dis-
21 semination products shall establish and maintain a com-
22 prehensive inventory of such products, which shall include,
23 at a minimum, the title of each such product, an abstract
24 of the contents of each product, the media in which each
25 product is available, and the cost, if any, of each product,

1 subject to any requirements promulgated pursuant to sub-
2 section (c).

3 “(b) The inventory created pursuant to subsection (a)
4 shall be made available for public access by electronic
5 means, and in such other media as are appropriate and
6 practicable, at no charge to the public.

7 “(c) The Director, in consultation with the Secretary
8 of Commerce, the Archivist of the United States, the Pub-
9 lic Printer, and the Librarian of Congress, may establish
10 a mechanism for developing technical standards and other
11 minimum requirements for the agency inventory systems
12 created under subsection (a).”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of sections for chapter 35 of title 44, United
15 States Code, is amended by amending the item relating
16 to section 3511 to read as follows:

“3511. Inventory systems of information dissemination products.”.

17 **TITLE VI—ADDITIONAL GOVERN-**
18 **MENT INFORMATION MAN-**
19 **AGEMENT RESPONSIBILITY**

20 **SEC. 601. STRENGTHENING THE STATISTICAL POLICY AND**
21 **COORDINATION FUNCTIONS OF THE DIREC-**
22 **TOR.**

23 Section 3504(d) of title 44, United States Code, is
24 amended to read as follows:

1 “(d)(1) The statistical policy and coordination func-
2 tions of the Director shall include—

3 “(A) coordinating and providing leadership for
4 development of the Federal statistical system;

5 “(B) developing and periodically reviewing and,
6 as necessary, revising long-range plans for the im-
7 proved coordination and performance of the statis-
8 tical activities and programs of the Federal Govern-
9 ment;

10 “(C) ensuring the integrity, objectivity, impar-
11 tiality and confidentiality of the Federal statistical
12 system;

13 “(D) reviewing budget proposals of agencies to
14 ensure that the proposals are consistent with such
15 long range plans and developing a summary and
16 analysis of the budget submitted by the President to
17 the Congress for each fiscal year of the allocation for
18 all statistical activities;

19 “(E) coordinating, through the review of budget
20 proposals and as otherwise provided under this chap-
21 ter, the functions of the Federal Government with
22 respect to gathering, interpreting and sharing statis-
23 tics and statistical information;

24 “(F) developing and implementing Government-
25 wide policies, principles, standards and guidelines

1 concerning statistical collection procedures and
2 methods, statistical data classification, statistical in-
3 formation presentation and sharing, and such statis-
4 tical data sources as may be required for the admin-
5 istration of Federal programs;

6 “(G) evaluating statistical program perform-
7 ance and agency compliance with Governmentwide
8 policies, principles, standards and guidelines;

9 “(H) promoting the timely release by agencies
10 of statistical data to the public;

11 “(I) coordinating the participation of the
12 United States in international statistical activities;

13 “(J) preparing an annual report to submit to
14 the Congress on the statistical policy and coordina-
15 tion function;

16 “(K) integrating the functions described under
17 this paragraph with the other information resources
18 management functions specified under this chapter;
19 and

20 “(L) appointing a chief statistician who is a
21 trained and experienced professional to carry out the
22 functions described under this paragraph.

23 “(2) The Director shall establish an interagency
24 working group on statistical policy, consisting of the heads
25 of the agencies with major statistical programs, headed

1 by the chief statistician to coordinate agency activities in
 2 carrying out the functions under paragraph (1).

3 “(3) The Director shall provide opportunities for long
 4 term training in the statistical policy functions of the chief
 5 statistician to employees of the Federal Government. Each
 6 trainee shall be selected at the discretion of the Director
 7 based on agency requests and shall serve for at least 6
 8 months and no more than 1 year. All costs of the training
 9 are to be paid by the agency requesting training.”.

10 **SEC. 602. USE OF ELECTRONIC INFORMATION COLLECTION**
 11 **AND DISSEMINATION TECHNIQUES TO RE-**
 12 **DUCE BURDEN.**

13 Section 3504(g)(1) of title 44, United States Code,
 14 is amended—

15 (1) by inserting “development and” after
 16 “overseeing the”; and

17 (2) by inserting “(including standards that im-
 18 prove the ability of agencies to use technology to
 19 reduce burden)” after “establishment of standards”.

20 **SEC. 603. AGENCY IMPLEMENTATION.**

21 Section 3514(a) of title 44, United States Code, is
 22 amended—

23 (1) in paragraph (9)(C) by striking out “and”
 24 at the end thereof;

1 (2) in paragraph (10)(C) by striking out the pe-
2 riod and inserting in lieu thereof a semicolon; and

3 (3) by adding at the end thereof the following
4 new paragraphs:

5 “(11) a listing of any increase in the burden
6 imposed on the public during the year covered by the
7 report resulting from a collection of information con-
8 ducted or sponsored by or for an agency, which was
9 imposed by such agency—

10 “(A) as specifically mandated by the provi-
11 sion of a statute; or

12 “(B) as necessary to implement a statutory
13 requirement, which requirement shall be identi-
14 fied with particularity; and

15 “(12) a description of each such agency’s ef-
16 forts in implementing, and plans to implement, the
17 applicable policies, standards and guidelines with re-
18 spect to the functions under this chapter; and

19 “(13) a strategic information resources man-
20 agement plan for the Federal Government, developed
21 in consultation with the Administrator of General
22 Services, the Secretary of Commerce, and the Archi-
23 vist of the United States, that includes an analysis
24 of cross-cutting issues of Governmentwide impor-
25 tance.”.

1 **SEC. 604. AUTOMATIC DATA PROCESSING EQUIPMENT**

2 **PLAN.**

3 Section 3504(g) of title 44, United States Code, is
4 amended—

5 (1) by redesignating paragraphs (3), (4), and
6 (5) as paragraphs (4), (5), and (6), respectively; and

7 (2) by inserting after paragraph (2) the follow-
8 ing new paragraph:

9 “(3) developing and annually revising, in con-
10 sultation with the Administrator of General Services,
11 a 5-year plan for meeting the automatic data proc-
12 essing equipment (including telecommunications)
13 and other information technology needs of the Fed-
14 eral Government in accordance with the require-
15 ments of sections 110 and 111 of the Federal Prop-
16 erty and Administrative Services Act of 1949 (40
17 U.S.C. 757 and 759) and the purposes of this
18 chapter;”.

19 **SEC. 605. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) DEFINITIONS.—Section 3502(10) of title 44,
21 United States Code, is amended by striking out “the Fed-
22 eral Housing Finance Board” and inserting in lieu thereof
23 “Federal Housing Finance Board”.

24 (b) REVIEW PERIODS.—Section 3507(g)(1) of title
25 44, United States Code, is amended to read as follows:
26 “(1) is needed prior to the expiration of the time periods

1 for public notice and review by the Director pursuant to
2 the requirements of this chapter.”.

3 (c) DIRECTOR REVIEW.—Section 3513(a) of title 44,
4 United States Code, is amended in the first sentence by
5 inserting “resources” after “information”.

6 (d) RESPONSIVENESS.—Section 3514(a) of title 44,
7 United States Code, is amended—

8 (1) in paragraph (9)(A) by inserting “and” at
9 the end thereof;

10 (2) in paragraph (9)(B) by striking out the
11 semicolon and inserting a period; and

12 (3) by striking out paragraph (9)(C).

13 **TITLE VII—EFFECTIVE DATES**

14 **SEC. 701. EFFECTIVE DATES.**

15 (a) IN GENERAL.—Except as provided in subsection
16 (b), the provisions of this Act shall become effective 120
17 days after the date of the enactment of this Act.

18 (b) IN PARTICULAR.—Section 101 shall become effec-
19 tive upon the date of the enactment of this Act.

○

S 560 IS——2

S 560 IS——3